

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



CareandWear II, Inc.,

Plaintiff,

—v—

Nexcha, L.L.C.,

Defendant.

20-cv-8773 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. Courts have an independent obligation to determine whether subject matter jurisdiction exists. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 501 (2006).

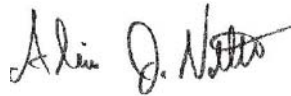
Plaintiff CareandWear II, Inc. brings this action invoking the Court’s subject matter jurisdiction by reason of diversity of citizenship. The complaint states that Plaintiff is a Delaware corporation with its principal place of business in New York, and that Defendant Nexcha L.L.C. is a Connecticut limited liability company with its principal place of business in Connecticut. Dkt. No. 1 ¶¶ 1–2.

“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.” *Strother v. Harte*, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001). A complaint premised on diversity of citizenship must therefore allege the citizenship of natural persons and corporations that are members of a limited liability company. *See Handelsman v. Bedford Vill. Assoc. Ltd. P’ship*, 213 F.3d 48, 51-52 (2d Cir. 2000) (citing *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998)); Fed. R. Civ. P. 8(a). As to parties identified to be corporations, “[f]or jurisdictional purposes, a corporation is deemed to be a citizen both of the

state in which it has been incorporated and the state in which it has its principal place of business.” *Advani Enters., Inc. v. Underwriters at Lloyds*, 140 F.3d 157, 161 (2d Cir. 1998).

Within twenty days of the date of this Order, Plaintiff shall amend its Complaint to allege the citizenship of each constituent person or entity comprising Nexcha L.L.C. (including the state of incorporation and principal place of business of any corporate entity member). If, by the foregoing date, Plaintiff is unable to amend to truthfully allege complete diversity of citizenship, then the Complaint will be dismissed for lack of subject matter jurisdiction without further notice to any party.

Dated: November 19, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is positioned above a horizontal line.

ALISON J. NATHAN
United States District Judge